

BLAINE was right when he wanted the Charleston to stay at home. As the matter now stands our government has suffered another defeat.

If Sec'y Blaine's advice had been heeded the Charleston would never have suffered the humiliating defeat of allowing an overloaded craft to escape its clutches.

THE Committee appointed to investigate the Insane Asylum, Normal School, University and Immigration Bureau have sent in their report. It is of a most flattering nature except in regard to the asylum, which they think might be improved by a change of doctors.

They recommend an addition to the Normal School building and other improvements.

In speaking of the office of Commissioner of Immigration, the committee which is composed of two democrats who voted to abolish the office, Duran and Tevis, make the following frank admission:

"After a careful examination we feel it our duty to say that if this Committee had made the investigation prior to the abolishment of the office they would have most certainly recommended that the office be maintained.

The money has been judiciously expended by Commissioner Black and in a manner from which the Territory derived the greatest benefit; and we feel justified in saying that, if the office had been retained the next two years, in our opinion, the territory would most certainly have received beneficial results from the money expended.

In discussing the grand jury report there is but one part to consider and that is the report of the committee, of which Mr. Storer was the chairman. Now, the PROSPECTOR takes the ground that a half way of investigating county affairs is worse than no investigation at all and a county officer is entitled to just as much respect and fair play as the people, whose servants they are.

In the first place, a reflection is cast upon Sheriff Kelton by asserting or insinuating that he is in the habit of making rebates on licenses, which means that a man can take out a saloon license for three months and pay the amount of \$50.; desiring to go out of business at the end of one month, he goes back to the sheriff and gets back the money which he paid for the two months following. Now any school boy can go to the sheriff's office and examine his books, which are as plain as A B C, and he can see at a glance that no such instance has occurred in the sheriff's office and the report does that officer a great injustice in so stating.

The other point against the sheriff is not well taken viz: that he should collect all licenses in advance. They might at least have made the same recommendation in relation to the tax collector's office and have rounded him up for not collecting all personal property taxes in advance, which the law provides shall be done. "What is sauce for the goose is sauce for the gander" and yet the PROSPECTOR does not mean by this that politics played any part in Mr. Storer's committee report.

As to the charges made by the District Attorney for his services on behalf of the county, it is simply a question of whether they were exorbitant or not. The committee says yes. It would have been a proper thing to have done to have submitted the question to the judge and leave the decision to him. Lawyers come high, that is if they are capable of filling the position of District Attorney. Mr. English's predecessor presented a bill for \$13,000 for attending to the business affairs of a mining company, during a foreclosure suit. The bill was presented to the court and allowed, and it is fair to presume that the court would have allowed Mr. English the amount asked for his services. The PROSPECTOR does not mean to insinuate that this is the reason that a suit for the recovery of the money was not recommended by the committee.

Of the House Bill 18, which the district attorney drew up and had passed; the injunction suit; the holding out of \$1,000 to pay feed of prisoners etc., the PROSPECTOR has had much to say in the past, and has shown how the expenditure of \$450. in the passage of this bill saved the county \$2,000 in interest alone.

As to the legality of these acts, on the part of the Board of Supervisors, the opinion published in another column, and given by Judge Gooding last Monday in Phenix, will determine. It is not only a complete vindication of the course pursued by the Supervisors and District Attorney, but is a high compliment to the latter gentleman's legal ability.

NEWS BY WIRE.

SAN FRANCISCO.—A Chronicle special says: None of the crew of the Esmeralda are allowed to land by the officers, they fearing desertions and disagreeable events in town. Only the principal officers are allowed to land and they pay generously for everything in gold. The Esmeralda has deposited \$17,000 in gold in San Francisco with the Pacific Mail S. S. company to get coal at Acapulco, where the company have a coaling station.

SAN FRANCISCO.—Solicitor Gen. Taft under Attorney-General Miller who is in Los Angeles at present conducting investigation on behalf of the United States has issued subpoenas for the superintendents of the Western Union and Postal Telegraph Co's., respectively. The subpoenas call for the gentlemen mentioned to produce telegrams that have passed over their lines in the past month relating to the Chilians and between every person in the slightest manner suspected of being connected with them. Holloway the Peruvian consul contends that the Itata had ample coal supply when leaving San Diego to allow her to steam to Iquique without stopping and gives it as his view that the steamer has gone direct to that port.

WASHINGTON.—The war department inquired for news from Acapulco, which says; there is no probability of a battle between the Charleston and Esmeralda, and no sight of the Itata, and if she has not fallen in with other American vessels will undon'tedly be off Central America by this time with fuel furnished by the Esmeralda.

CITY OF MEXICO.—The public opinion in Acapulco is quite favorable to Chilians and the inhabitants of that city are very indignant at the Mexican authorities for preventing the sale of coal to the Esmeralda. On account of this action of the Mexican authorities it is said that an attempt will be made to supply her with coal and this attempt it is generally believed will be successful. The populace is very excited and manifestations against the government authorities are feared.

These officials however are only complying with their orders from the war department.

ACAPULCO.—The Esmeralda still remains in the harbor and a large quantity of provisions have been furnished here, but in spite of the reiterated demands of her commander the Mexican authorities prevent the selling of any coal to her and in consequence she is not able to follow the Charleston. It becomes more evident every moment that the Itata transhipped last Friday night on board the Esmeralda all, or part of the ammunition and arms brought by the Itata from the United States. If the Esmeralda in spite of the large sums of money offered, cannot get coal, there will probably be coal shipped here immediately from another point, since the officers say that they will not use violence to get coal here.

WASHINGTON.—Late advices report the Charleston on her way south but no further news is expected from her till she reaches Panama. What her orders are is kept a profound secret.

LOS ANGELES.—Nothing so far has been heard of B. J. Hanchett, the missing secretary of the Chamber of Commerce here, who disappeared from Chicago on the 7th inst.

SAN FRANCISCO.—The annual report of the Southern Pacific company for 1890 just issued shows that the gross earnings were \$38,352,003 an increase over 1889 of \$1,885,000; operating expenses \$31,155,000 increase of \$749,600. After the deduction of all charges there remained a balance of \$2,308,000 against \$1,346,000 dollars in 1890. The total assets of the road are \$296,486,000. The liabilities are mortgage bonds amounting to \$115,185,000. The capital stock is \$151,401,000 and the balance from the income amount is \$24,592,000.

BILL 18.

Chief Justice Gooding Says it is a Good Law.

And Gives His Reason for Thinking So.

In Phenix on Monday last, (day before yesterday) Chief Justice Gooding rendered a decision in the case of the National Bank vs Supervisors to restrain transfer of monies from general fund account to the new county expense fund created by Council bill 18 of the 16th legislature. The injunction prayed for was denied.

THE DECISION:

"My theory is that no statute can be held to intend to put it beyond the power of the authorities to keep the courts open. As I have said before, unless the courts are in operation, mortgages are not worth anything, notes are not worth anything and life is not secure. The courts are the protection to life and property, and any statute, general in its terms cannot be construed as intending to close the doors of the courts. Neither can it be presumed that the officers are going to perform their duties at their own individual expenses without receiving any compensation. I think the necessary expenses of operating a court and carrying on the government of a county, are preferred claims. I think when a tax is levied for a current year the money collected is appropriated by the levy, first to the necessary compulsory expenses of the county, and after that any surplus may go to discharge the previous indebtedness of the county. I do not think the Board of Supervisors have the power to take the money that is necessary to pay the operating expenses of the county, the running current expenses of the county, and to appropriate it to the payment of old debt and leave the treasury without any means for carrying on the courts of the country. If so, if they have that power there is no compulsion that a sheriff shall pay the money out of his own pocket to pay the fare of prisoners from Phenix to Yuma. There is no law requiring the sheriff out of his own pocket to pay the board of the prisoners in the jail in Phenix, and it cannot be presumed that he will keep them located up there and let them starve, and if it were in the power of the Board of Supervisors to appropriate the money collected for the purpose of the operation of the government of the county to the payment of old debts and leave the treasury empty, that would be the result. I cannot conceive that a law ever contemplated a result of that kind.

"My theory is that the necessary current expenses, that is, the compulsory expenses must be first paid, when they are paid the debts of previous time should be paid, and if they are debts of a character, that they are necessary expenses, that they do not come within the contemplation of the Harrison act and are therefore valid debts and must be paid sooner or later and I know of no reason, unless there is some reason growing out of the facts set out in the pleadings, why the warrants should not be issued by the board of supervisors; but not to interfere with the payment of the current expenses."

Enthusiastic.

The president of the New Mexican Fair Association writes to the Albuquerque Citizen from Maricopa as follows:

Editor Citizen.—While in Tucson yesterday I had a chat with Mr. Hughes editor of the Star and president of the press association and he asks why cannot the editors of New Mexico and Arizona meet together at Albuquerque during fair week—have a little reciprocity so to speak, and a general change of ideas. He said he would do his utmost to bring this about, I have written the Democrat and would suggest that you talk this matter over and whoop it up.

The prospects are immense for us I think we will get two companies of militia from Tucson. I met one of the companies last night and spoke a few words to the boys and explained the situation to them to their satisfaction, I am on my way to Phenix now to confer with the governor and adjutant general and from there I will go by stage to Prescott.

C. C. HALL.

Messrs Tevis and Kinchela still linger in Tombstone.

From Wednesday's Daily.

A Bauer is rounding up a train load of beef steers for shipment east.

Harper's Weekly, in giving a description of the western cowboy, says that he is always a democrat.

L. C. Hughes, R. C. Brown, Bucky O'Neil, and S. P. Behan have been appointed world's fair commissioners by Governor Irwin.

The Tevis group of mines are bonded to an English company. They have a four months option of the entire property and plant.

Joe Robinson, an old time prospector who came to Tucson in 1873, committed suicide by shooting himself last week, at the Cerro Colorado mine.

The jury in the case of the Territory vs. Mary Baker brought in a verdict last night of simple assault. It was a compromise verdict.

Miss J. DeVilling, of Springfield Mass. will deliver a temperance lecture in the Methodist Church tonight commencing at 8 o'clock. Let all come and hear the talented lady.

The rainfall of the past 24 hours has done much good; cattlemen are especially benefited thereby. It is quite unusual at this time of year and doubly welcome on this account.

The Weekly EPITAPH is published every Sunday morning and contains all the news published in the PROSPECTOR Daily. No one should be without it. Call around at the PROSPECTOR office and leave your address and one dollar for three months subscription. Don't neglect this important duty before leaving town.

C. J. Barber, the hoo-doo water witch and mineral locator, went to Los Angeles county from Tombstone, a few years ago. He had a brother at a small place on the edge of the desert called Lancaster. He has been there since leaving here. He and his brother have just closed a sale of 36,000 acres of desert land to a colony which will take hold of it and colonize it.

The government of this country might better openly assist the insurgents than to escort their cruisers down the coast, under the gauzy pretext of chasing them.

YAVAPAI county has elected two democrats to the constitutional convention and one is in doubt. The Courier claims the whole of them and the Journal-Miner says it will take the official count to determine the result.

It will take the official count to determine who will be the third man in the delegation from Cochise to the Constitutional convention.

POOL's ranch precinct cast a solid republican vote; Camp Grant in Graham county cast 106 solid republican votes. Can it be possible that republicans are turning Mormons?

The political complexion of the constitutional convention looks this way at the present writing:
Democrats 17
Republicans 3
Doubtful 2

ALREADY \$12,000 has been paid into the school fund of Grant county under the new license law. This new law may be a hardship to some dealers, but it will be a blessing to the children of New Mexico, and will soon remove the stigma so long cast upon the territory, of being the most ignorant population in the United States.—Sentinel.

District Court.

May 19.

The jury in the case of Ben Joice came in this morning bringing in a verdict of not guilty.

Territory vs McMahon continued for the term.

Territory vs C F Lee, defendant given statutory time to plead.

J. D. Lowry and C D Harwood, were excused from service upon the trial jury.

Leon Larrieu, a defaulting witness was brought into court and paid the cost of attachment—\$4.50

Territory vs Shankland, attorney for defendant, W H Barnes gave notice of appeal from overruling of demurrer. Defendant pleaded not guilty. Trial set for tomorrow.

Territory vs Contreras and Salazar, jury brought in a verdict of guilty.

Territory vs Mary Baker, jury retired at 4 p. m.

Choice California cheese and Holland Herring after's.

SHALL WE

Lose the Opportunity of Having a Hotel.

Shall we lose the opportunity to have a hotel?

Mr Geo Berrott, president, and Geo. H. Carroll vice president of the Bank of Tombstone have written to R. W. Wood that if the people of Tombstone want a hotel built, and they will show faith in such an enterprise, by taking a portion of the stock, they will as individual take the balance in order to insure its success.

Mr Wood informs us that from four to five thousand dollars is all that is now necessary to go ahead with its construction. If the people will subscribe this amount, operations will commence immediately.

The following gentlemen have already subscribed for quite a portion of the stock: E. B. Gage, R. W. Wood, M. Costello, L. E. Page, P B Warner, M. D. Scribner and others.

There is no question but that a good hotel built here would be of incalculable benefit to the community, and as an investment would be remunerative.

Do not let this opportunity slip through our fingers.

Those who are sending their money to Savings Banks in San Francisco, and which is used for investment in real estate there, take a few hundred dollars worth of stock, and build up your own community, do your neighbors some good and you will get three times the interest.

Business men cannot afford to miss this chance of having a large amount of money distributed in the town.

Persons desiring to subscribe for stock from fifty dollars and upwards can do so by calling on R. W. Wood at the Bank of Tombstone.

The intention is to put up a hotel costing about \$20,000.

THE division of Yavapai into two counties seems to have turned one Republican county into two Democratic counties.

The grand jury did not examine the books of the district court clerk's office. Like Cesar's wife, he is above suspicion. Happy man!

THE territorial board of equalization composed of W. C. Bashford of Prescott, A. J. Doran of Pinal and J. Y. T. Smith of Phenix.

RETURNS from outside precincts in Yavapai county make it pretty certain that all three delegates to the convention will be democrats.

THE people of El Paso are endeavoring to make themselves believe that that town was once a seaport. They have found a dead sea serpent near town, with A. D. 1857 branded on its tail. A tale of that kind should be taken with a grain of doubt.

The hotel project has taken root in a practical shape and the small amount necessary to complete the financial part of the plan should be forthcoming as it probably will, speedily, if people will take into consideration for but a moment, the benefit to be derived from the erection of a hotel in our city.

THE acts of the 16th legislative assembly are at hand and by reference to them it is found that many laws are being disobeyed through ignorance of them. There is one which prohibits the sale of cigarettes to any person under 16 years of age or the sale of liquor to minors or common drunkards.

THE failure of the Omaha to have on board a key to the cipher dispatches sent by the department, probably saved that vessel from being annihilated by the Esmeralda.

BILL No 68, provides that any person chopping or cutting wood for the owner or his agent shall have a lien upon the wood so cut. A very good law and many a Tombstone man's wood pile will look lean in consequence.

A BILL authorizing cities to extend their limits and granting additional powers to the council passed by the last legislature, gives to that body almost an unlimited power. They are empowered to make local improvement of any nature, and levy a special tax for that purpose. It gives them the power to make a general assessment or to assess the improvements to property benefited thereby, or both. The bill further provides that the act shall not apply to any city until the city shall have adopted it at a special election.

Court News.

Henry Henderson vs Mollie Henderson, divorce, clerk instructed to take proofs and submit same to court.

J D Lyons and W. T. Hughes were excused from further service on the trial jury.

In the case of McGowan, indicted for murder at his own request, a plea of not guilty was entered and trial set for the 26th.

Territory vs. Nardini not guilty, set for the 23d.

The attorney for Salazar and Contreras, convicted of grand larceny, made a motion for a new trial. The motion was denied and notice of appeal given.

The case of Dan Shankland indicted for murder was brought up and his attorneys, Smith and Barnes, moved for a continuance for the term. An affidavit by Dr. Huse county physician was introduced in behalf of the accused. The district attorney was given time to file contra proof and a decision was withheld.

Two indigent witnesses H E Penny and M Sanchez, were allowed respectively \$14.50 and \$17.50 each.

The trial of the Mexican for murder of a countryman at Fairbank on trial.

GOOD LOGIC.

THE man who pays no taxes and does his shopping through the post-office is generally the one who kicks about extravagance in office and talks about hard times, which he helps to create. If every one would purchase at home it would enable our merchants to keep larger stocks and a better assortment of goods. I know of one woman whose husband is a well-to-do in the community and who makes every dollar out of the Tombstone public, who sends away for every particle of wearing apparel she uses. I know of another man, who is continually harping about hard times who doesn't pay a dollars worth of taxes and sends his shoes back to Boston to get them half soled to save 15 cents. There are many instances of this kind especially among those who ought to act differently. G. X.

ACT number 65 gives the power to the governor to remove from office any territorial officer who has been appointed by himself or his predecessor with or without the confirmation of the legislative council of the territory.

THE new law relating to sale under executions provides that all real estate shall be sold at the court house door, but all personal property may be sold at the most convenient place.

In any cause before a jury less than a felony, it takes but two thirds of the jurymen to find a verdict. In all cases of felony, a concurrence of the twelve men is necessary.

THE county superintendent of schools now appoints his board of examiners, instead of the superintendent of public instruction making the appointments for all of the counties as heretofore.

THE provision appropriating \$30,000 for an Arizona exhibit at the World's fair is that each county shall be entitled to a proportion of the 30,000 according to the amount of taxes paid by it and the board of supervisors shall appoint a proper person to collect and arrange for its exhibit. This is all subject to the ratification by congress of the act.

THE third party has named itself "The People's Party" It has declared for free coinage of silver. The Western congress has also declared for free coinage. Wall street may well feel alarmed at the solid front arrayed against its God.

LEAURELLE OIL.

Prevents tendency to wrinkles or ageing of the skin. Prevents withering of the skin or drying up of the flesh. Nature's wonder for preserving youth and freshness. 50c bottles at druggists.

Just received a new invoice of Choice old Port, Five year old Zinfandel, Sherry and Angelica wines. Also finest brands of family liquors at

JOS. HOFFLER'S

COUNTY RECORDS.

RELEASE OF MORTGAGE.

J. Liberman to George Frisk—\$4700

DIPLOMA.

Of W. J. Sullivan, a graduate of Cooper Medical College, San Francisco.

LOCATION.

4th of July mining claim, California district, formerly Antimony mine—A. Applegate.